UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/45
1 February 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10544 (E)

1. In accordance with the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the provisions of the Geneva Conventions of 12 August 1949, we remain deeply concerned with the plight of the Tamil people in Sri Lanka.

2. We have the honour to solicit the intervention of the Commission on Human Rights to facilitate a negotiated political solution to this protracted conflict with the hope of finding a just and durable solution to end the gross human rights violations perpetrated against these people. Many of the past interventions submitted by other concerned NGOs have testified to the genocide happening there.

Arbitrary arrests, torture, detention, disappearances and summary executions

3. Article 6.1 of the International Covenant on Civil and Political Rights states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". The Chemmani mass graves have revealed the extent of systematic human rights violations by the government forces. The revelation was made on 5 July 1998 by the convicted soldiers, over a year has gone by with investigations unduly protracted and the situation has further deteriorated with alarmingly high rates of arbitrary arrests, torture, rape and disappearances continuing to occur.

4. Bacre Waly Ndiaye, former Special Rapporteur on extrajudicial, summary or arbitrary executions, stated with respect to Sri Lanka that "a disturbing number of people have disappeared during Sri Lanka's 14-year war against Tamil separatists... There is still a very painful and difficult human rights issue in northern Jaffna peninsula". Despite much-publicized visits by the special representatives of the Secretary General, there have not been any monitoring mechanisms to prevent further occurrences of torture and summary executions. Scores of young men continue to be arbitrarily arrested and their whereabouts withheld from their grieving families.

5. The Liberation Tigers of Tamil Eelam (LTTE) has also been accused of gross violations of human rights by a number of human rights organizations. The members of LTTE have killed Sinhalese, Tamil and Muslim civilians and tortured and killed prisoners. Pax Christi, as a member of the Coalition Against the Use of Child Soldiers, is concerned that LTTE continues to "forcibly recruit" children as young as 14 despite a promise made to the Special Representative of the Secretary-General on Children and Armed Conflict, Olaru Otunnu, in May 1998.

Aerial bombing and displacement of civilians

6. Article 50 of the Additional Protocol II to the Geneva Convention of 12 August 1949 states: "The civilian population as such, as well as individual civilians shall not be object of attack.... Indiscriminate attacks are prohibited." Indiscriminate aerial bombing of densely populated Tamil areas have been justified by the Government as attacks on rebel hideouts. The International Committee of the Red Cross has confirmed yet another killing of women and children resulting from the bombing of a marketplace on 16 September 1999. "Twenty-one Tamil civilians were killed and 35 wounded when the air force carried out a bombing raid in north-eastern Sri Lanka", the International Committee of the Red Cross (ICRC) said Thursday

(16 September 1999). Fifteen civilians, including women and children, died during the attack while another six died in hospital in the district of Mullaitivu on Wednesday, an ICRC spokesman in Colombo said (Agence France Presse, 16 September).

7. Human rights violations are the main reasons why people flee their homes. As security is as essential a priority as food, internally displaced refugees fleeing from military abuses have sought protection in the LTTE-controlled areas.

8. Humanitarian assistance to the displaced civilian population has been minimal because of the lack of political willingness on the part of the Government to encourage NGOs to provide assistance to the refugees. The Government has for many years used food as a weapon of war against the hapless population. According to a National Peace Council report of March/April 1998, "There has been an economic blockade in the Northern Province in Sri Lanka ever since 1990. In 1995 since the resumption of the Eelam war, the Government of Sri Lanka has forbidden non governmental organizations (NGOs) from distributing food and, with the exception of the International Committee of the Red Cross (ICRC), distributing medicine."

Protection and welfare of children

9. Article 37 (b) of the Convention on the Rights of the Child states: "No child shall be deprived of his or her liberty unlawfully or arbitrarily." According to Amnesty International scores of children, aged between several months and 17 years, are among the thousands of people who are reported to have "disappeared" after detention by security forces and members of armed groups engaged in hostilities, during the last 15 years of civil conflict in Sri Lanka: "... there have been several chilling reports of torture of young Tamil children taken into custody ..." (Amnesty International report ASA 37/10/99, June 1999).

10. It is also a matter of grave concern for Pax Christi that the Tamil children amidst the 400,000 civilians who have fled the armed forces into LTTE-controlled areas continue to suffer from malnutrition and succumb to easily treatable diseases. The mortality rate of infants and children is alarmingly high owing to the embargo on essential vaccines to the "uncleared" areas. A nutritional survey conducted by a government agent of the Killinochi district has revealed that "52 per cent of children are affected by malnutrition". Widespread incidence of malaria is also reported due to monsoonal rains and the climatic conditions. We request intervention and mechanisms to monitor the supplies of food and medicines to the refugee population in the Wanni.

Violence against women

11. "A soldier sentenced to death by a court in Colombo for the (rape and) murder of a teenage Tamil schoolgirl (Krishanthi) [said], 'We didn't kill anyone. We only buried bodies. We can show you where 300 to 400 bodies have been buried,'" (Reuters, 13 July 1998). The much-publicized case of the rape and murder of the schoolgirl Krishanthi and the conviction of the soldiers has not resulted in any improvement of the situation of violence against women. Pax Christi is deeply concerned that the armed forces continue to rape and sexually assault women and underage girls with impunity.

12. The embargo on food and medicine and the rape and other human rights abuses are used as weapons of war designed to break the will of the suffering population into submission.

13. It is evident from reports from various NGOs that the Sri Lankan military is responsible for the human rights violations of the Tamils and is viewed with fear and hatred by the Tamil population. Hence, demilitarization of the Tamil areas would see the return of normalcy to the lives of the 800,000 refugees. This would also pave the way for confidence-building measures to engage the parties to the conflict in peace talks with third-party mediation.

Mechanisms for on-site monitoring

14. Despite the visits by special representatives of the Secretary-General, the situation has not improved; on the contrary, human rights violations are escalating unabated.

15. We urge the Commission to provide the necessary mechanisms for on-site monitoring of:

- The human rights abuses, arbitrary arrests, torture and disappearances;
- The torture and rape of women and children,
- The free movement of displaced population,
- Distribution of humanitarian aid.

Urgent intervention to restore basic and fundamental rights to the Tamil people

16. Considering the denial of basic and fundamental rights to the Tamil people in the island of Sri Lanka, Pax Christi urges the United Nations organizations:

- To provide urgent humanitarian and medical assistance to the displaced refugee population in the Wanni;
- To initiate effective action to solicit third-party mediation to advance the facilitation of negotiations for a peaceful resolution of this protracted conflict.

17. Pax Christi solicits the urgent direct intervention of the Commission in the above systematic violations of human rights by the Government of Sri Lanka.